

Meeting Minutes Native Species Commission Laws & Regulations Subcommittee

Friday, October 5, 2018 – 1:30PM

Caucus Room – Kent County Administration Building

Members Present:

Jim McCulley (Conference Phone)
Tracy Surles (Conference Phone)
Kitty Holtz
Christine Whiteman
Faith Kuehn (Conference Phone)
Mike Costello (Conference Phone)
Mike Petit de Mange

Call to Order

Mike Petit de Mange called the Subcommittee Meeting to order at 1:35pm and thanked everyone for joining the meeting. Three (3) members were present in person, and four (4) members joined the meeting by conference phone. Brief introductions were made.

Purpose & Objectives of the Subcommittee

Mr. Petit de Mange provided a brief explanation of the purpose and objectives of the Subcommittee pursuant to the Final Recommendations of the Endangered Species Legislative Task Force. Among the Task Force Recommendations is a call to *“review existing regulations to determine their effectiveness in protecting state endangered species.”*

Mr. Petit de Mange explained that the Subcommittee was established by a Motion of the Native Species Commission on August 24, 2018, with the stated purpose of identification and compilation of existing laws and regulations that impact natural habitats and man-made landscapes with respect to native, non-native, and invasive species.

Identification of Priorities & Tasks

A discussion of the types of laws regulations that the Subcommittee would work to identify include those that may exist at the State, County or Local levels that work to protect and/or promote native plant species, and those that allow or may even recommend non-native species.

As an example of the types of tasks the Subcommittee may undertake, Mr. Petit de Mange mention his recent review of the Kent County Tree Planting and Preservation Ordinance, and the accompanying “Table of Trees” adopted with the Ordinance. Many of the species recommended for planting are native species, but many are also non-native species, and a few

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may be considered to be invasive species. This Code review identifies specific areas of needed amendment.

Faith Kuehn expressed concern over the types of non-native plants being sold and distributed to the public through the retail nursery trade. Ms. Kuehn also identified property maintenance regulations that require mowing that can be in conflict with the promotion of open meadow areas.

Mike Costello discussed the common regulatory limitation of 12 inches on "tall grass and weeds" that most property maintenance codes seek to enforce. Mr. Costello discussed the development of working partnerships among Homeowners Associations and the Sussex Conservation District to address the issue of relaxing the regulations in certain instances where vegetative buffers are desirable. Mr. Costello also mentioned that Sussex County is developing a new Comprehensive Plan that will provide recommendations for possible revisions to the typical Lot Maintenance Standards in the future.

Tracy Surles mentioned that New Castle County had recently enacted an Executive Order which requires all new landscape material on County-owned property to be native plant species. It was pointed out that this is an excellent demonstration of "government leading by example", a principal promoted and recommended by the Endangered Species Task Force.

Jim McCulley recommended that at some point the Subcommittee may want to invite representatives of Solitude Lake Management come to speak to the Subcommittee or even the full Commission about its work with homeowners associations in promoting ecological balance in and around stormwater management features and water quality.

The benefits of promoting backyard native plant habitat gardens was expressed by Christine Whiteman and Kitty Holtz as an approach to balancing the built and the natural environments.

Kitty Holtz also raised the issue of a need for larger scale management plans to address and eradicate invasive species.

Discussion of Next Steps

The County representatives will review their respective Codes to identify specific Code Sections that may be impacting native species and report at the next Subcommittee Meeting.

Mike Petit de Mange will invite a representative from the Office of State Planning Coordination to attend the next Subcommittee Meeting to address the extent to which local land use

regulations and the Conservation Elements of comprehensive plan may address the issue of protection and promotion of native species

Meeting Schedule

The next Subcommittee Meeting is planned to occur in November with date and time to be determined.

Adjournment

The Subcommittee Meeting was adjourned at 2:35pm.

Respectfully Submitted,

Michael J. Petit de Mange, Chair